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## **MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 14, 2008**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 14, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

### **THE FOLLOWING MEMBERS WERE PRESENT:**

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Corey Rushton  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

**ABSENT:** Joel Coleman

### **STAFF PRESENT:**

Paul Isaac, Assistant City Manager  
Russell Willardson, Public Works Director  
Jim Welch, Finance Director  
John Evans, Fire Chief  
Joseph Moore, CED Director  
Richard Catten, City Attorney  
Layne Morris, Community Preservation Director  
Buzz Nielsen, Police Chief  
Gregg Cudworth, Acting Parks Director  
Aimee Tye-Critchley, Administration  
Aaron Crim, Administration  
Craig Thomas, Administration  
Jake Arslanian, Public Works Department

### **14239 APPROVAL OF MINUTES OF STUDY MEETING HELD SEPTEMBER 16, 2008**

The City Council read and considered the Minutes of the Study Meeting held September 16, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Study Meeting held September 16, 2008, as written. Councilmember Winder seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14240

### **INTRODUCTION OF NEW EMPLOYEES**

Aimee Tye-Critchley, Human Resource/Administration, addressed the City Council and introduced new employees, by Department/Division, as follows:

#### **Community Preservation Department:**

Brendon Grames, Code Enforcement Officer  
David Martinez, Code Enforcement Officer  
Wesley B. Wilson, Code Enforcement Officer  
Carol Martinez, Grant Technician  
Autumn K. Salinas, Shelter Technician

#### **Administration:**

Tyson Emmett, Computer Technician

#### **Justice Court:**

Walter H. Zinck, Court Clerk  
Trista Mutchler, Court Clerk  
Karen Tao, Court Clerk

#### **Public Works Department:**

Richard J. Thomas, Operator  
Dawayne Broadbent, Operator  
Ryan A. Ramirez, Engineer Tech II

#### **Law Department:**

Sharon Cosgrove, Legal Secretary

#### **Police Department:**

Luis E. Perez, Police Officer  
John C. Pogue, Police Officer  
Michelle Shepherd, Police Officer

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### **Parks and Recreation Department:**

Valerie Custer, Program/Activity Service Section

The City Council welcomed the above individuals to employment with West Valley City.

14241      **EMPLOYEE OF THE MONTH, AUGUST 2008 – CHRIS BERRY, FIRE DEPARTMENT**

Councilmember Winder read the nomination of Chris Berry, Fire Department, for Employee of the Month, August 2008.

The City Council congratulated Chris Berry and expressed appreciation for a job well done on behalf of West Valley City.

14242      **PROCLAMATION DECLARING OCTOBER 2008, AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH IN WEST VALLEY CITY**

Mayor Nordfelt read a Proclamation declaring October 2008, as National Domestic Violence Awareness Month in West Valley City.

14243      **PROCLAMATION DECLARING OCTOBER 2008, AS NATIONAL CRIME PREVENTION MONTH IN WEST VALLEY CITY**

Councilmember Rushton read a Proclamation declaring October, 2008, as National Crime Prevention Month in West Valley City.

14244      **PROCLAMATION DECLARING OCTOBER 2008, AS NATIONAL CODE COMPLIANCE MONTH IN WEST VALLEY CITY**

Councilmember Brooks read a Proclamation declaring October, 2008, as National Code Compliance Month in West Valley City.

14245      **PUBLIC HEARING, APPLICATION NO. S-34-2008, FILED BY MARK GREEN AND PAUL JENSEN, REQUESTING APPROVAL FOR THE AMENDMENT OF LOT 2 IN THE E-CENTER RETAIL SUBDIVISION AND FINAL PLAT APPROVAL FOR THE E-CENTER SUBDIVISION LOT 2 AMENDED LOCATED AT 3100 SOUTH DECKER LAKE DRIVE**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-34-2008, filed by Mark Green and Paul Jensen, requesting approval for the Amendment of Lot 2 in the E-Center Retail Subdivision and final plat approval for the E-Center Subdivision Lot 2 Amended located at 3100 South Decker Lake Drive. He discussed proposed Ordinance No. 08-49 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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City Manager, Wayne Pyle, presented proposed Ordinance No. 08-49 which would approve the Amendment of Lot 2 in the E-Center Retail Subdivision.

Mr. Pyle stated the E-Center Retail Subdivision had been recorded with the Salt Lake County Recorder's Office in May, 2008. He further stated the original subdivision plat consisted of two lots on 14.5 acres. He indicated the proposed application would amend Lot 2 to create Lots 2A-2D. He further stated a flag lot had been proposed to resolve concerns expressed by Granger-Hunter Improvement District.

The City Manager reported the amended plat would provide a means for the applicant to sell each lot to create a small retail and/or commercial center. He stated it was anticipated these lots would accommodate uses to accentuate the hotel, transit oriented development and entertainment uses in this part of the City.

Mr. Pyle indicated access to the subdivision would be gained from both Decker Lake Drive and 3100 South. He further indicated access in and through the various lots would be achieved by interior driveways. As development occurred, cross access easements would need to be recorded preserving these access points. He stated Parcel A, located to the north, would be used for access and parking. He indicated that during the review of the original plat, determination had been made that access through Parcel A was acceptable but parking would be limited for E-Center overflow.

The City Manager stated in addition to access easements, drainage easements would also exist to accommodate storm water. He stated the developer would need to coordinate these with the City Engineering Division. He indicated a substantial storm drain system had been installed along the west boundary of Lot 2. The applicant would coordinate storm drain needs as future development occurred.

City Manager, Wayne Pyle, reported that during the review process for the first phase, a parcel adjacent to Decker Lake Drive had been created. He stated the purpose for that parcel was to help preserve the necessary right-of-way for light rail. He indicated the applicant would negotiate the acquisition of this parcel as light rail development continued to move forward.

Mr. Pyle stated, over the years, extensive fill material had been brought to the subject site. He also stated the developer would need to provide a grading plan for each of the future uses. In addition, a soils report would need to be provided for review by the City's Engineering and Building Divisions.

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The City Manager further reported as each of the proposed lots developed, additional reviews would be conducted by the Planning Commission. Therefore, it was not necessary the review of the subdivision plat be all inclusive. He stated the subdivision plat would contain easements and other information applicable to the division of property, but would not address site design issues typically found in commercial developments.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

### **ACTION: ORDINANCE NO. 08-49, APPROVING AMENDMENT OF LOT 2 IN THE E-CENTER RETAIL SUBDIVISION**

The City Council previously held a public hearing regarding Application No. S-34-2008, filed by Mark Green and Paul Jensen, and proposed Ordinance No. 08-49 which would approve an Amendment of Lot 2 in the E-Center Retail Subdivision.

After discussion, Councilmember Burt moved to approve Ordinance No. 08-49, an Ordinance Approving the Amendment of Lot 2 in the E-Center Retail Subdivision; and to give final plat approval for the E-Center Subdivision Lot 2 Amended. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14246

### **ORDINANCE NO. 08-50, AMEND SECTION 1-2-103 OF TITLE 1 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE ANIMAL CONTROL DIVISION FEES**

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-50 which would amend Section 1-2-103 of Title 1 of the West Valley City Municipal Code regarding Animal Control Division fees.

Mr. Pyle recommended fees identified be increased to match Taylorsville City fees, as well as bringing into line those same fees charged by other shelter and

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agencies within Salt Lake County. He stated research indicated the City's fees had not kept pace with surrounding areas and the increase in costs to enforce violators and operate an animal shelter. He indicated amending fees in Section 1-2-103 would bring the City into line with where it should be.

After discussion, Councilmember Rushton moved to approve Ordinance No. 08-50, an Ordinance Amending Section 1-2-103 of Title 1 of the West Valley City Municipal Code Regarding Animal Control Division Fees. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14247

### **ORDINANCE NO. 08-51, AMEND SECTION 23-3-101 OF TITLE 23 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING CAT LICENSING**

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-51 which would amend Section 23-3-101 of Title 23 of the West Valley City Municipal Code regarding cat licensing.

Mr. Pyle stated it had been recommended all cats be licensed for the health and safety of the animal, and holding owners accountable when their animal ends up in the shelter. He also stated this requirement would greatly decrease the high euthanasia rate for cats and would increase the chances of returning the animal to its rightful owner therefore making the owner accountable.

The City Manager reported records showed an increase in cats being impounded with a very small redemption rate. Most cats coming into the shelter could be adopted or returned to an owner; however, because a cat had no license the owner remained unknown. He indicated if the owner did not search for the animal then it went up for adoption. He indicated with the increase in cats being impounded and limited shelter space, more cats were being euthanized. With the requirement of licensing, just as dogs, the redemption rate would increase and euthanasia would decrease. He stated, also, rabies vaccination was required for all cats in West

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Valley City. He indicated without regulating the licensing of cats, the City was unable to ensure all cats were vaccinated. He stated requiring licensing for cats would increase the vaccination rate ensuring more cats in the City were vaccinated for rabies, making the animal healthier and the community safer.

After discussion, Councilmember Rushton moved to approve Ordinance No. 08-51, an Ordinance Amending Section 23-2101 of Title 23 of the West Valley City Municipal Code Regarding Cat Licensing. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Majority.

14248

### **RESOLUTION NO. 08-254, APPROVE A STORM WATER DRAINAGE REIMBURSEMENT AGREEMENT WITH DEAN L. AND BONNIE B. SMITH FOR STORM DRAINAGE IMPROVEMENTS AT A PROJECT KNOWN AS D&G SCALE, ON PROPERTY AT APPROXIMATELY 2602 SOUTH 3200 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-254 which would approve a Storm Water Drainage Reimbursement Agreement with Dean L. and Bonnie B. Smith for storm drainage improvements at a project known as D&G Scale on property located at approximately 2602 South 3200 West.

Mr. Pyle stated there was an open channel running along the north boundary of the D&G Scale project. He also stated the channel was a main line on the City's storm drainage system. He reported it would be in the best interest of the City to have the ditch piped with the proposed 60-inch reinforced concrete storm drain pipe.

After discussion, Councilmember Brooks moved to approve Resolution No. 08-254, a Resolution Authorizing the City to Enter Into a Storm Water Drainage Reimbursement Agreement with Dean L. and Bonnie B. Smith for Storm Drainage Improvements. Councilmember Vincent seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14249

### **RESOLUTION NO. 08-255, AUTHORIZE THE PURCHASE AND INSTALLATION OF TWO SIDE DUMP BEDS AND SANDERS FROM H&K TRUCK EQUIPMENT/TESCO WILLIAMS FOR USE BY THE OPERATIONS DIVISION OF THE PUBLIC WORKS DEPARTMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-255 which would authorize the purchase and installation of two side dump beds and sanders from H&K Truck Equipment/Tesco Williams, in an amount not to exceed \$60,000.00, for use by the Operations Division of the Public Works Department.

Mr. Pyle stated the proposal would authorize purchase of two side dump beds and sanders, including installation, on two 2009 Ford F550 trucks. He reported H&K Truck Equipment/Tesco Williams had been selected as the supplier. He indicated the Division currently used similar side dump beds and sanders installed by H&K. He advised the Fleet Manager had met with the Department and determined satisfaction with the make, model and installation of the side dump bed and sander.

After discussion, Councilmember Burt moved to approve Resolution No. 08-255, a Resolution Authorizing Purchase and Installation of Two Side Dump Beds and Sanders for use by the Operations Division of the Public Works Department. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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Unanimous.

14250

**RESOLUTION NO. 08-256, APPROVE THE PURCHASE OF TWO 2009 FORD F550 VEHICLES FROM KEN GARFF FORD FOR USE BY THE OPERATIONS DIVISION OF THE PUBLIC WORKS DEPARTMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-256 which would approve the purchase of two 2009 Ford F550 vehicles from Ken Garff Ford, in an amount not to exceed \$60,000.00, for use by the Operations Division of the Public Works Department.

Mr. Pyle stated Ken Garff Ford had been selected as the supplier for two Ford F550 trucks for use by the Operations Division of the Public Works Department. He advised Ken Garff Ford held the State contract to supply the subject vehicle.

The City Manager reported the vehicles being replaced were both 2001 Ford F550's that had outlived their useful lives and needed to be replaced with new vehicles. He advised the Fleet Manager had met with the Department and determined the 2009 Ford F550 trucks would be the most efficient vehicles for their intended purposes.

After discussion, Councilmember Burt moved to approve Resolution No. 08-256, a Resolution Approving Purchase of Two 2009 Ford F550 Vehicles for use by the Operations Division of the Public Works Department. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14251

**RESOLUTION NO. 08-257, AUTHORIZE THE PURCHASE AND INSTALLATION OF ONE SIDE DUMP BED AND SANDER FROM H&K TRUCK EQUIPMENT/TESCO WILLIAMS FOR USE BY THE OPERATIONS DIVISION OF THE PUBLIC WORKS DEPARTMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-257 which would authorize the purchase and installation of one side dump bed and sander

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from H&K Truck Equipment/Tesco Williams, in an amount not to exceed \$30,000.00, for use by the Operations Division of the Public Works Department.

Mr. Pyle stated the proposal would authorize purchase of one side dump bed and sander to include installation on a new 2009 Ford F550 truck.

The City Manager reported the Fleet Manager had met with the Department and determined satisfaction with the make, model and installation of the side dump bed and sander.

After discussion, Councilmember Winder moved to approve Resolution No. 08-257, a Resolution Authorizing the Purchase and Installation of One Side Dump Bed and Sander from H&K Truck Equipment/Tesco Williams for use by the Operations Division of the Public Works Department. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14252

### **RESOLUTION NO. 08-258, APPROVE AN AGREEMENT WITH ONYX CONSTRUCTION, LLC FOR CONSTRUCTION OF THE NEW WEST VALLEY CITY ANIMAL SERVICES FACILITY**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-258 which would approve an Agreement with Onyx Construction, LLC, in the amount of \$3,907,000.00, for construction of the new West Valley City Animal Services facility.

Mr. Pyle stated Onyx Construction, LLC had previously been awarded the lowest responsible bid for the subject work. He reported construction included building the new West Valley City Animal Services facility with office space for the City's Community Preservation Department. He also reported the project involved construction of the new building which would be constructed under supervision of the City and GSBS Architects.

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After discussion, Councilmember Brooks moved to approve Resolution No. 08-258, a Resolution Authorizing Execution of an Agreement between West Valley City and Onyx Construction, LLC for Construction of the New West Valley City Animal Services Facility. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14253

### **RESOLUTION NO. 08-259, APPROVE AN AGREEMENT WITH SPECIALTY VEHICLE CONCEPTS, INC., FOR INSTALLATION OF NEW EQUIPMENT ON THE POLICE DEPARTMENT'S SPECIALIZED RESPONSE VEHICLE**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-259 which would approve an Agreement with Specialty Vehicle Concepts, Inc., in the amount of \$38,000.00, for installation of new equipment on the Police Department's specialized response vehicle.

Mr. Pyle stated the Police Department's surveillance vehicle was in need of updating, repair, and modernizing of the monitoring and recording equipment. He indicated the Department purchased its surveillance van from a company called Mattman Specialty Vehicles in San Marcos, California in 2001. He further indicated since the van was built there had been tremendous advances in the cameras and recording devices used in surveillance operations. The analog recording systems were outdated and the camera systems were in need of repair and upgrades. He stated Mattman Specialty Vehicles no longer specialized in small surveillance vehicles, now placing their emphasis on large command posts.

The City Manager reported that in the past West Valley City used EME for work on specialty surveillance vehicles, but EME was no longer in business. He stated the Department had identified Specialty Vehicle Concepts, Inc., located in Murray, as being qualified to repair and replace the specialized surveillance equipment in the Specialized Response Vehicle. He indicated there were no other local companies that exclusively dealt in specialty surveillance vehicles. He indicated there were companies that equipped police cars with cameras, but those

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companies did not have experience or specialized knowledge and expertise in conducting the technical and specialized work to the quality standard needed. He stated, furthermore, the hardware installed during repairs to the SRV was proprietary to Specialty Vehicle Concepts, Inc. and as the Department updated the surveillance van it would be important the equipment be able to interface with both vehicles for cases in which both were used.

Mr. Pyle reported the money used for the upgrade would be funds awarded through Federal Asset Forfeiture.

After discussion, Councilmember Winder moved to approve Resolution No. 08-259, a Resolution Authorizing the Execution of an Agreement between West Valley City and Specialty Vehicle Concepts, Inc. for Installation of New Equipment on the Police Department's Specialized Response Vehicle. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14254

### **RESOLUTION NO. 08-260, APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH IVORY DEVELOPMENT, LLC, FOR Highbury Place Subdivision at approximately 3100 South 5400 West**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-260 which would approve an Amendment to the Development Agreement with Ivory Development, LLC, for Highbury Place Subdivision at approximately 3100 South 5400 West.

Mr. Pyle stated that in October, 2007, the City Council approved Resolution No. 07-213 authorizing a Development Agreement between the City and Ivory Development LLC for Highbury Place Subdivision at approximately 3100 South 5400 West. He also stated the subject agreement set forth development standards to enhance the residential subdivision. He indicated the purpose for the subject

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resolution was to update the exhibit that illustrated the community gateway icons, neighborhood entry features, and rail markers to be used in Highbury.

The City Manager reported that during the subdivision process, the developer committed to certain development standards. He stated item 9 in Exhibit B of the Development Agreement read: “Community gateway icons, neighborhood entry features and trail markers will be used to accentuate the residential areas of Lake Park. These illustrations are attached as Exhibit D.” He indicated copies of the original Exhibit D and the new proposed Exhibit D had been included in the Council’s information packets.

Mr. Pyle indicated the illustrations shown in the original Exhibit D were preliminary and were intended to show the general scale and massing of the monuments. He stated Zions Securities had since hired an architect to design the monuments shown in the proposed Exhibit D, which included the proposed locations of the monuments. He stated these latest designs had been reviewed and approved by the Planning Commission. He also indicated Zions believed the original concepts had been too “busy” and presented maintenance problems, and the latest designs addressed those issues.

After discussion, Councilmember Winder moved to approve Resolution No. 08-260, a Resolution Authorizing the Execution of an Amendment to the Development Agreement with Ivory Development, LLC, for Highbury Place Subdivision at Approximately 3100 South 5400 West. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14255

**RESOLUTION NO. 08-261, AUTHORIZE THE ISSUANCE AND SALE OF UP TO \$8.5 MILLION OF SALES TAX REVENUE BONDS, AUTHORIZE THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS RELATING TO THE BONDS, AND PROVIDING FOR RELATED MATTERS**

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City Manager, Wayne Pyle, presented proposed Resolution No. 08-261 which would authorize issuance and sale of up to \$8.5 million of Sales Tax Revenue Bonds, authorize execution and delivery of certain agreements relating to the Bonds, and provide for related matters.

City Manager, Wayne Pyle, recommended the Council consider striking this item from the Agenda as Bond Counsel had determined the establishment of a pricing committee might not meet requirements for sale and pricing of the bonds. He stated the proposed resolution could be presented again at some future date. He explained that because of the highly volatile financial markets, it had been determined some flexibility as to when the bonds were sold would be to the benefit of the City. He reported under advisement of the City's financial advisor, bond pricing would occur when the market stabilized. He stated a Special Regular Meeting of the Council could be required to authorize the sale and pricing of the subject bonds at a future date.

After discussion, Councilmember Brooks moved to strike proposed Resolution No. 08-261 from the Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous. Proposed Resolution No. 08-261 was stricken from the Agenda.

14256

### **APPLICATION NO. S-14-2008, CHRIS DRENT, REQUESTING FINAL PLAT APPROVAL FOR SUNSET HILLS SUBDIVISION – PHASE 2 LOCATED AT 7050 WEST 6600 SOUTH**

City Manager, Wayne Pyle, presented Application No. S-14-2008, filed by Chris Drent, requesting final plat approval for Sunset Hills Subdivision – Phase 2 located at 7050 West 6600 South.

Mr. Pyle stated the applicant had requested approval for the second phase of Sunset Hills Subdivision. He indicated the subject property had been re-zoned in May of 2006 from the 'A-1' zone to the 'R-1-10' zone. He stated the overall project received preliminary approval in August 2006 and Phase 1 had been recorded in early 2008. A development agreement had been reviewed and

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approved by the Planning Commission and City Council setting forth the development standards to be used in the subdivision.

The City Manager reported the final plat consisted of 108 lots on 32.4 acres, equating to an overall density of 3.2 units per acre. He indicated lots ranged in size from 8,000 square feet to 18,191 square feet, which the average lot size calculated at 9,200 square feet.

Mr. Pyle reported access to the subdivision would be from 6600 South and from Oquirrh Mesa Drive. Additional streets would be plated within this phase to provide access for the remaining phase to the west. All streets within Phase 2 would be dedicated to a 54-foot width to include curb, gutter, sidewalk and asphalt.

City Manager, Wayne Pyle, stated various right-of-way widths would be used for the Sunset Hills development. He indicated the developer had dedicated the first portion of 6600 South adjacent to Phase 1 as a 40-foot half width. This right-of-way width would continue westward adjacent to this phase. He indicated Oquirrh Mesa Drive had been dedicated and improved to a 66-foot right-of-way. Oquirrh Mesa Drive would have a 10-foot landscaped park strip on the west side of the street. He indicated the east side would provide a wide landscaped buffer between the court yard homes and Oquirrh Mesa Drive. He also stated the north side of 6600 South would consist of a five-foot sidewalk and five-foot park strip.

Mr. Pyle indicated this phase of the project was a challenge because of its prior use as a gravel pit. As with Phase 1, staff would recommend the developer coordinate the grading and drainage plan with the Engineering Division. He stated the grading and drainage plan would need to reflect methods of lot grading and retaining, if necessary.

The City Manager reported as part of the preliminary plat a soils report had been submitted. The report stated no ground water had been encountered to a depth of 15-feet. However, the soils report did address fill that had been brought to the site. The report indicated this fill should be removed from below proposed buildings, slabs and pavement. The developer would need to coordinate this issue with the City Engineering Division as it related to roadways, etc., and the Building Division as it related to new construction.

Mr. Pyle explained the developer would be responsible to coordinate the availability of all utilities for the subdivision. He stated with regard to water and sewer, Kearns Improvement District had informed staff that water connections were readily available for this development. Sewer easements were located

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throughout Phase 1 which would extend to the west to accommodate the needs of this phase and the phase to the west.

Wayne Pyle, City Manager, reported per the development agreement the developer would install a decorative pre-cast masonry wall along 6600 South and the west side of Oquirrh Mesa Drive. He stated the north side of the subdivision would be fenced with a six-foot vinyl fence. He reported staff would recommend the vinyl fence not be installed until some of the housing was in place and ready for occupancy.

Mr. Pyle indicated the southwest corner of the project would contain a parcel for a future water pump house. The parcel had been provided at the request of Kearns Improvement District. He stated for this phase of the subdivision, the District had stated water service was available from a water tank to the north. However, as the elevation of the next phase would be higher than the service tank, the pump house would need to be installed to provide this service. He indicated the parcel in question would be owned by Kearns Improvement District and be maintained by them as well.

After discussion, Councilmember Burt moved to approve Application No. S-14-2008, filed by Chris Drent, and give final plat approval for Sunset Hills Subdivision – Phase 2 located at 6600 South 7150 West. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14257

### **APPLICATION NO. S-31-2008, FILED BY JACOBSEN CONSTRUCTION, REQUESTING FINAL PLAT APPROVAL FOR UTA-AGC SUBDIVISION LOCATED AT 2200 SOUTH 1070 WEST**

City Manager, Wayne Pyle, presented Application No. S-31-2008, filed by Jacobsen Construction, requesting final plat approval for UTA-AGC Subdivision located at 2200 South 1070 West.

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Mr. Pyle stated the UTA-AGC Subdivision had been requested in order to divide the existing property into two commercial building lots. He indicated a remainder parcel would also be created which was located along the north side of Lot 1 and adjacent to 2100 South.

The City Manager indicated both lots would gain access from 1070 West. The street, along with many roads in the Metro Business Park, were private streets. He further indicated that during the evaluation of the application, the Engineering Division recommended portions of the existing curb along 1070 West be replaced. He stated although the right-of-way was private, storm drainage had been impacted from these defective improvements. He indicated although the majority of the curb was in good shape, there were two or three areas that needed to be addressed.

Mr. Pyle reported sidewalk did not exist in this portion of the business park. He stated, however, with the future TRAX line, consideration for this type of improvement should be made. A TRAX stop near 2320 South was only a block away and it was reasonable to assume employees or visitors to that location would use light rail. He stated staff would explore this issue during the site plan review process.

City Manager, Wayne Pyle, stated, as mentioned previously, an elongated parcel existed along the north boundary of the subdivision. He indicated at some point in the past the remnant parcel had been landscaped with sod and trees. However, during a recent site visit, staff noticed the lawn had not been watered and was in need of maintenance. He recommended the owner of Parcel A be responsible for that maintenance.

Mr. Pyle reported the lot configurations had been designed to accommodate commercial development. The Associated General Contractors of Utah would construct a building on Lot 1. During prior meetings with the applicant, staff reviewed the conceptual site plan and believed the lot would accommodate the building without any problems. He stated Lot 2 however, would continue to be held by UTA. A fairly substantial portion of this lot would be impacted by the future TRAX line. He stated staff had provided an illustration of this line in relation to the subdivision plat. He indicated it did appear that sufficient area would exist on Lot 2 for some type of development in the future.

The City Manager further stated a number of mature trees existed along the east property line. He reported staff recommended the developer save as many of those trees as possible. He explained, generally, a tree survey would be required, however, in this case, staff recommended the location of these trees be included within the landscaping plan to be reviewed at a later date.

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## **MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 14, 2008**

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After discussion, Councilmember Winder moved to approve Application No. S-31-2008, filed by Jacobsen Construction, and give final plat approval for UTA-AGC Subdivision located at 2200 South 1070 West. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14258

### **APPLICATION NO. S-32-2008, RANDY TOUSLEY, REQUESTING FINAL PLAT APPROVAL FOR TOUSLEY SUBDIVISION LOCATED AT 3244 SOUTH 3600 WEST**

City Manager, Wayne Pyle, presented Application No. S-32-2008, filed by Randy Tousley, requesting final plat approval for Tousley Subdivision located at 3244 South 3600 West.

Mr. Pyle stated the applicant had requested final subdivision approval for a four lot subdivision in an 'RM' zone. He also stated the proposed subdivision included a small portion previously part of Lot 19 in the Melrose Gardens Subdivision located to the west. He indicated the purpose for the subdivision was to create separate lots for the existing duplex units and one for the recently approved sixplex.

The City Manager reported the impetus for the next subdivision was based on requirements of Granger-Hunter Improvement District. He stated the District required the Tousleys create separate lots to accommodate independent water and sewer services.

Mr. Pyle indicated the proposed subdivision consisted of four lots however, only one new building would be constructed as a result of the subdivision. At the present time, the property contained a fiveplex, and two duplex units. In addition, a portion of Lot 19 of the Melrose Gardens Subdivision had been added to the property description based on conditional use requirements regarding open space.

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## **MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 14, 2008**

**-19-**

City Manager, Wayne Pyle, advised access drive would be 24-feet in width, sufficient in size to provide access to all dwellings including fire protection. The driveway would encumber Lots 2 and 3. However, access easements would be in place to ensure all lots had the same rights to use the drive. In addition, the driveway would be designated as a public utility and access easement to serve all lots in the subdivision.

Mr. Pyle reported all site issues related to development of the property had been addressed through the conditional use process by the Planning Commission. He stated the applicant continued to work with the Planning and Zoning Division and the Engineering Division to satisfy conditions outlined during the conditional use process.

After discussion, Councilmember Brooks moved to approve Application No. S-32-2008, filed by Randy Tousley, and give final plat approval for Tousley Subdivision located at 3244 South 3600 West. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14259

### **CONSENT AGENDA:**

**A. RESOLUTION NO. 08-262, ACCEPT A SPECIAL WARRANTY DEED FROM COVENTRY III/SATTERFIELD HELM VALLEY FAIR, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 2510 WEST 3800 SOUTH**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-262 which would accept a Special Warranty Deed from Coventry III/Satterfield Helm Valley Fair, LLC, for property located at approximately 2510 West 3800 South.

Mr. Pyle stated a Special Warranty Deed had been signed by Coventry III/Satterfield Helm Valley Fair, LLC, for dedication of a portion of 3800 South.

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## **MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 14, 2008**

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The City Manager reported Coventry III/Satterfield Helm Valley Fair, LLC were owners of the Valley Fair Mall, which included property for the Costco Wholesale Warehouse. As a condition of obtaining a building permit, dedication of a portion of 3800 South had been required. He indicated this portion of 3800 South had never been formally dedicated or deeded as public right-of-way. He further reported the Major Street Plan called for an 80-foot total right-of-way, and dedication of the 40-foot half width across the frontage of the Costco site on the north side of 3800 South was being deeded to comply with the Major Street Plan. He advised a previous deed provided for this property and approved by the City Council was missing certain information and had been rejected by the County Recorder's Office.

**B. RESOLUTION NO. 08-263, ACCEPT A SPECIAL WARRANTY DEED FROM COVENTRY III/SATTERFIELD HELM VALLEY FAIR, LLC, FOR PROPERTY LOCATED AT 3601 SOUTH 2700 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-263 which would accept a Special Warranty Deed from Coventry III/Satterfield Helm Valley Fair, LLC, for property located at 3601 South 2700 West.

Mr. Pyle stated the Special Warranty Deed had been signed by Coventry III/Satterfield Helm Valley Fair, LLC.

The City Manager reported Coventry III/Satterfield Helm Valley Fair, LLC were owners of the Valley Fair Mall property. As a condition of approval for obtaining building permits, dedication of a portion of 2700 West had been required. He advised this portion of 2700 West had never been formally dedicated or deeded as public right-of-way. He indicated the existing dedicated right-of-way was a 33-foot half width on the east side and needed to be widened to a 69-foot half width to include all existing and proposed public improvements. He stated dedication of the additional right-of-way across the Mall frontage on 2700 West would be deeded to comply with this requirement.

**C. RESOLUTION NO. 08-264, ACCEPT STORM DRAIN EASEMENT FROM COVENTRY III/SATTERFIELD HELM VALLEY FAIR, LLC, ACROSS PROPERTY LOCATED AT 3601 SOUTH CONSTITUTION BOULEVARD (2700 WEST)**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-264 which would accept a Storm Drain Easement from Coventry III/Satterfield

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## **MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 14, 2008**

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Helm Valley Fair, LLC, across property located at 3601 South Constitution Boulevard (2700 West).

Mr. Pyle stated Coventry III/Satterfield Helm Valley Fair, LLC had provided an easement for a public storm drain across the easterly portion of its site.

The City Manager reported an existing City storm drain ran through and along the easterly portion of the Mall property. A Storm Drain Easement in favor of West Valley City had been required as a condition of approval for building permits.

**D. RESOLUTION NO. 08-265, ACCEPT STORM DRAIN EASEMENT FROM MILLER LAKE PARK STATION, L.L.C., FOR PROPERTY LOCATED AT 3025 SOUTH DECKER LAKE DRIVE**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-265 which would accept a Storm Drain Easement from Miller Lake Park Station, L.L.C., for property located at 3025 South Decker Lake Drive.

Mr. Pyle stated the developer of the proposed The Edge at Decker Lake Apartments had provided an easement for a public storm drain across and through a portion of its site.

The City Manager reported an existing City storm drainage ditch ran through the proposed site and, as a condition of approval, portions of the ditch were to be put into culverts. He indicated other portions of the ditch would remain as open channels and incorporated into the site landscaping. He indicated a Storm Drain Easement in favor of the City had been required as a condition of approval for building permits.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 08-262, 08-263, 08-264, and 08-265 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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## **MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 14, 2008**

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Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 14, 2008, WAS ADJOURNED AT 7:12 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, October 14, 2008.

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Sheri McKendrick, MMC  
City Recorder

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